Supreme Court, U.S.
FILED
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No. 02-377

In The

Supreme Court of the United States

IMMIGRATION AND NATURALIZATION SERVICE,

Petitioner,

v.

CARLOS ENRIQUE SILVA-JACINTO,

Respondent.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

RESPONSE TO PETITION FOR A WRIT OF CERTIORARI

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STATEMENT

Respondent Carlos-Enrique Silva-Jacinto respectfully submits this statement in response to the petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit, which the Immigration and Naturalization Service ("INS") filed in this case. The INS asserts its petition should be held pending this Court's disposition of two other petitions, which this Court has now granted. *See INS v. Chen*, No. 02-25 (cert. granted Nov. 12, 2002), and *INS v. Ventura*, No. 02-29 (cert. granted Nov. 4, 2002). In its decision in the *Ventura* case, the Court summarily reversed a Ninth Circuit decision on the ground that the Ninth Circuit should not have decided a particular issue in the first instance but instead should have remanded the matter to the Board of Immigration Appeals. Respondent recognizes the INS will argue *Ventura* controls this case. Therefore, respondent does not oppose this Court adhering to its customary practice of granting the INS's petition, vacating the judgment of the Court of Appeals and remanding the instant case to the Ninth Circuit for further proceedings consistent with the *Ventura* opinion.

DATED: November 22, 2002

Respectfully submitted,

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